

REMARKS

Claims 1-3, 5-11, and 13-18 are pending the present application. Claims 1-3, 6, 7, 9-11, 14, 15, 17 and 18 are rejected as anticipated under 35 U.S.C. § 102(e); and claims 5, 13, 8 and 16 are rejected as obvious under 35 U.S.C. § 103(a).

Claim Amendments

Claim 1 is amended to clarify:

- performing an integrity check on the file by an integrity module;
- redirecting to an install module by a redirect module if said integrity check fails,
- wherein the step of redirecting to the install module comprises the steps of:
 - modifying an address of the install module by the redirect module to include a parameter to indicate the remote location of the file;
 - producing a request by an authentication module based on the modified address that indicates the remote location of the file; and
 - communicating the request by the authentication module to the install module in a login page that instantiated the file at the remote location; and
- reinstalling the file by the install module at the remote location via the communication medium, thereby maintaining the integrity of the file.

Claim 10 is amended to clarify:

- an integrity module;
- a redirect module coupled to said integrity module via the communication medium
- an install module coupled to said redirect module via the communication medium

- wherein said integrity module performs an integrity check on the file, and
- wherein said redirect module redirects to said install module when the integrity check fails and modifies an address of the install module to include a parameter to indicate the remote location of the file; and
- an authentication module coupled to the redirect module which authentication module produces a request based on the modified address that indicates the remote location of the file and communicates the request to said install module in a login page that instantiated the file at the remote location, and
 - wherein said install module reinstalls the file at the remote location, thereby maintaining the integrity of the remote file.

Claim 2 is amended to address editorial issues raised by the amendment of claim 1. Support for the amendment is found throughout the specification and in the claims, and no new matter has been added.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-3, 6, 7, 9-11, 14, 15, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Midgley et al. (U.S. Patent No. 6,779,003) (“Midgley”). The rejection is respectfully traversed and reconsideration is requested. The reference asserted does not read on the claimed invention in at least the following respects:

- First of all, Midgley has absolutely nothing to do with redirecting to an install module when an integrity check fails and reinstalling a file at a remote location via a communication medium to maintain the integrity of the file, as recited in claims 1 and 10. On the contrary, instead of reinstalling a file at a remote location via a communication medium to maintain the integrity of the file, Midgley teaches nothing more than continuous back-up of changes made to replicated data files (i.e., all

changes made by users to local file copies are simultaneously replicated or propagated to all other copies of the file as if all the users are making changes on the same centralized file, referred to as the “source” data file) in which the changes are likewise simultaneously propagated to back-up copies of the files called “target” files on a back-up server. In other words, instead of reinstalling files at a remote location that fail an integrity check, Midgley contemplates constantly changing various copies of a file by different users and teaches making sure that all of the changes made to any copy of the file are propagated to all other copies of the file, as well as to a centralized copy of the file and a backup copy of the file at the same time the changes are being made to any particular copy of the file.

- Midgley fails to disclose “communicating the request by the authentication module to the install module in a login page that instantiated the file at the remote location,” as recited in amended claim 1 and similarly recited in amended claim 10. As described in an exemplary process in the originally-filed specification, “redirect module 114 forwards the modified address to authentication component 107 … In step 406, authentication component 107 uses the modified address to produce a request … In step 408, authentication component 107 passes the request to install module 118 in the login page that instantiated authentication control component 107.” Paras. [0056]-[0058]. However, there is no disclosure, mention, or suggestion anywhere in Midgley of either a login page or of communicating a request to an install module in a login page.
- Midgley fails to disclose a login page, as recited in claims 1 and 10. As noted above, Midgley is directed to “systems and methods … for continuous backup of data stored on a computer network.” Col. 2, lines 8-9. As a result of providing “continuous backup,” Midgley does not disclose a user maintaining the integrity of a file at a remote location via a login page. Indeed, Midgley’s computer-based “agent” has “access to all files on the source system, regardless of how the applications have tried to restrict access.” Col. 2, lines 54-57. Although Midgley recites that a “user

[can] set up policies including the timing of synchronization backups,” Midgley does not disclose a “login page.” Col. 3, lines 43-44. Even Midgley’s “system administrator” does not have the need for a login page, in contrast to a user of the method or system in claims 1 and 10 that, for example, desires to “access the login page of an online application that allows users to trade stocks.” Para. [0029]. Thus, because Midgley is directed to a “continuous back up system,” Midgley does not disclose a “login page.”

- Because Midgley fails to disclose a “login page,” Midgley necessarily fails to teach “communicating the request to the install module in a login page.” The Examiner asserts that Midgley anticipates this limitation based upon Midgley’s disclosure at col. 15, lines 44-63. However, there is no support, either in the particular passage or anywhere else in Midgley, for such a disclosure. In fact, the “dynamic replication process” described in this citation does not even describe a “request,” let alone a “login page.” Thus, Midgley fails to disclose “communicating the request to the install module in a login page.”

Consequently, Midgley does not disclose nor even suggest the required combination of limitations of amended independent claims 1 and 10. Because each and every element as set forth in amended claims 1 and 10 is not found, either expressly or inherently in Midgley, the Examiner has failed to establish a *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for amended independent claims 1 and 10 , and similarly has failed to establish a *prima facie* case of unpatentability of claims 2, 3, 6, 7, and 9 that depend on claim 1 and claims 11, 14, 15, and 18 that depend on claim 10 and which recite further specific elements that have no reasonable correspondence to the reference.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Midgley and Gauvin et al. (U.S. Patent No. 5,991,760) (“Gauvin”); and claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Midgley and Satyanarayana et al. (U.S. Patent No. 5,909,429) (“Satyanarayana”). The rejection is respectfully traversed and reconsideration is requested. The references asserted do not teach or suggest the claimed invention in at least the following respects:

For at least the reasons set forth above with respect to independent claims 1 and 10, Midgley does not establish a prima facie case of obviousness with respect to claims 5 and 8 depending on claim 1 and/or claims 13 and 16 depending on claim 10 because Midgley does not teach or suggest each and every element of the independent claims.

Regarding claim 5 depending on claim 1 and claim 13 depending on claim 10, Gauvin, which the Examiner considers to disclose “generating a reinstallation web page” as recited in claims 5 and 13, fails to remedy the deficiencies of Midgley. Although Gauvin recites downloading via a client browser, Gauvin does not teach or suggest “generating a reinstallation web page.” The Examiner’s citation to Gauvin at col. 6, lines 17-60 does not support the Examiner’s assertion. In fact, Gauvin recites downloading additional websites that are reviewed only when the client computer is disconnected from the network. Col. 9, lines 1-14. Such websites, as a result, cannot function as a reinstallation web page when reviewed after the client computer is no longer connected to the network.

Regarding claims 8 depending on claim 1 and claim 16 depending on claim 10, Satyanarayana, which merely teaches a method for installing a wireless, packet-hopping network, likewise fails to remedy the deficiencies of Midgley.

Midgley, Gauvin, and/or Sayanarayana, either separately or in combination with one another, do not disclose or even suggest the required combination of limitations of independent claims 1 and/or 10. Because the cited references, wither alone or in combination, do not teach the limitations of independent claims 1 and/or 10, the

Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03.

The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and/or 10 and similarly has failed to establish a *prima facie* case of unpatentability for claims 5 and 8 depending on claim 1 and claims 13 and 16 depending on claim 10, and which recite further specific elements that have no reasonable correspondence with the references.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filling of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

Date: December 10, 2007
KING & SPALDING LLP
1700 Pennsylvania Ave., NW
Washington, DC 20006
(202) 626-8980

By: /s/ John M. Harrington
John M. Harrington
Registration No. 25,592